

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

NANCY C. MANZ,

Plaintiff,

v.

**EILEEN GIAGRASSO, MANUELLA
IGNASSIO, PATRICE KELLY, RICHARD
MURPHY, MARY GOLDIN, and LORI
RAFFINETTI,**

Defendants.

Civil Action No.

2:18-cv-05171 (JFB)(AYS)

ANSWER

Eileen Giagrasso, Manuella Ignassio, Patrice Kelly, Richard Murphy, Mary Golden, incorrectly sued herein as Mary Goldin, and Lori Raffinetti (collectively, “Defendants”), by and through its attorneys, Putney, Twombly, Hall & Hirson LLP, as and for its Answer to the Complaint filed by Nancy C. Manz (“Plaintiff”), dated September 25, 2018 (the “Complaint”), in the above-captioned action state as follows:

PARTIES TO THE COMPLAINT

I.A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiff’s address.

I.B.(1) Admit that defendant Eileen Giagrasso is employed by South Nassau Communities Hospital (“SNCH”).

I.B.(2) Admit that defendant Manuella Ignassio is employed by South Nassau Communities Hospital (“SNCH”).

I.B.(3) Admit that defendant Patrice Kelly is employed by South Nassau Communities Hospital (“SNCH”).

I.B.(4) Admit that defendant Richard Murphy is employed by South Nassau Communities Hospital (“SNCH”).

I.B.(5) Admit that defendant Mary Golden, incorrect sued here as Mary Goldin, is employed by South Nassau Communities Hospital (“SNCH”).

I.B.(6) Admit that defendant Lori Raffinetti is employed by South Nassau Communities Hospital (“SNCH”).

BASIS FOR JURISDICTION

II.B. Deny the allegations contained in Paragraph II.B. except admit that Plaintiff purports to proceed as stated therein.

STATEMENT OF CLAIM

III.A. Deny each and every allegation contained in Paragraph III.A. of the Complaint.

III.B. Deny each and every allegation contained in Paragraph III.B. of the Complaint.

III.C. Deny each and every allegation contained in Paragraph III.C. of the Complaint and every subpart thereof.

INJURIES

IV. Deny each and every allegation contained in Paragraph IV.A. of the Complaint.

RELIEF

V. Deny each and every allegation contained in Paragraph IV.A. of the Complaint.

AS AND FOR A FIRST DEFENSE

1. The Complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND DEFENSE

2. The Complaint is barred, in whole or in part, to the extent that it was not filed within the period of time mandated by the applicable statutes of limitations.

AS AND FOR A THIRD DEFENSE

3. Any and all actions taken by Defendants were based on legitimate, non-discriminatory and non-retaliatory reasons.

AS AND FOR A FOURTH DEFENSE

4. Plaintiff's claims for relief are barred, in whole or in part, by the doctrines of waiver and estoppel.

AS AND FOR A FIFTH DEFENSE

5. Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.

AS AND FOR A SIXTH DEFENSE

6. Plaintiff's claims are barred, in whole or in part, by the equitable doctrines of unclean hands.

AS AND FOR A SEVENTH DEFENSE

7. Any damages or loss sustained by Plaintiff were caused solely by the culpable conduct on the part of Plaintiff.

8. Plaintiff is therefore not entitled to recover.

AS AND FOR AN EIGHTH DEFENSE

9. Plaintiff cannot state a claim under the Electronic Communications Privacy Act of 1986 (ECPA), since any and all calls monitored by SNCH were done so during the normal course of business operations.

Dated: October 23, 2018
New York, New York

_____/s/MED
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